

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. In response to the final Office Action dated September 20, 2005 and the Advisory Action dated January 11, 2006, Applicants respectfully request the withdrawal of finality of the previous Office Action for the following reasons.

In the final Office Action dated September 20, 2005, claims 1, 2, 4-6, and 8-20 are finally rejected under 35 U.S.C. § 103(a) as being anticipated by Kim et al. (U.S. Patent No. 6,038,008) in view of Kim (U.S. Patent No. 6,060,130); claims 1, 2, 4-6, and 8-20 are finally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 and 15-17 of U.S. Patent No. 6,038,008 in view of Kim; and claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

In the response filed on December 20, 2005, in order to expedite the prosecution of the present application and to place the application in condition for allowance, Applicants amended independent claims 1 and 9 to include the subject matter of the allowed claim 7.

In the Advisory Action mailed on January 11, 2006, the Examiner, however, indicated that all pending claims 1, 2, 4-6 and 8-20 are rejected over the same reference on a new ground of rejection.

Because the examiner introduced a new ground of rejection that is not necessitated by applicants' amendments of the claims, Applicants respectfully request withdrawal of the finality of the previous Office Action. See MPEP § 706.07(a). If the Examiner deems that a telephone conference would further the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number (202) 496-7500. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37

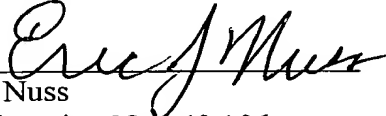
Application No.: 09/730,836

Docket No.: 8733.325.00-US

C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: February 22, 2006

Respectfully submitted,

By 

Eric Nuss

Registration No.: 40,106

MCKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorney for Applicant

Application No.: 09/730,836

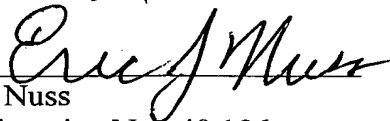


Docket No.: 8733.325.00-US

C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: February 22, 2006

Respectfully submitted,

By 

Eric Nuss

Registration No.: 40,106

MCKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorney for Applicant